

Policy Review - Consultation Update

Timetable	
Meeting	Date
Licensing Committee	11 th January 2024

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing & Regulatory Services
Lead Officer and Report Author	Lorraine Neale
Classification	Public
Wards affected	N/A

Executive Summary

This report is for Licensing Committee to review and consider all comments received during the public consultation period prior to the formal adoption of the updated Hackney Carriage and Private Hire Licensing Policy. (Taxi Policy)

Purpose of Report

To inform Committee of the results of the consultation carried out between 25th September and 12th November 2023, Appendix 1.

This report makes the following recommendations to Licensing Committee:

1. To note the information contained in the taxi policy consultation- card payment & vehicle age document attached as Appendix 1.
2. To approve the draft Taxi Licensing Policy for adoption Appendix 2.
3. That the amendment concerning vehicle age and mileage be immediate, with the mandatory requirement to provide the new payment facility to be implemented from 15 February 2023 .

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3.</p>	Senior Licensing Officer - Lorraine Neale
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected • No implications have been identified 	Senior Licensing Officer - Lorraine Neale
Risk Management	<ul style="list-style-type: none"> • See Para 5 	Senior Licensing Officer - Lorraine Neale
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Senior Licensing Officer - Lorraine Neale

Staffing	<ul style="list-style-type: none"> We will deliver the recommendations with our current staffing. 	Senior Licensing Officer - Lorraine Neale
Legal	<ul style="list-style-type: none"> There is no statutory requirement to have a policy but Maidstone Borough Council chose to have one as it was felt that a policy ensures a transparent and consistent approach to licensing. The Statutory Taxi and Private Hire Vehicle Standards recommends that Authorities have a Policy and that it is regularly reviewed. 	Helen Ward, Lawyer (Contentious)
Information Governance	<ul style="list-style-type: none"> The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. 	Information Governance Team – Georgia Harvey
Equalities	<ul style="list-style-type: none"> The recommendations do not propose a change in service therefore will not require an equalities impact assessment. 	Senior Licensing Officer - Lorraine Neale
Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will not negatively impact on population health or that of individuals. 	Senior Licensing Officer - Lorraine Neale
Crime and Disorder	<ul style="list-style-type: none"> There are no implications to Crime and Disorder 	Senior Licensing Officer - Lorraine Neale
Procurement	<ul style="list-style-type: none"> Not applicable 	Senior Licensing Officer - Lorraine Neale
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and;</p> <ul style="list-style-type: none"> There are no implications on biodiversity and climate change. 	Senior Licensing Officer - Lorraine Neale

2. INTRODUCTION AND BACKGROUND

- 2.1 At the meeting of 14th September 2023, members requested Officers undertake a 6 week consultation period on the proposed amendments to the Taxi Policy and a further report be brought back to Committee to consider prior to formal adoption of the revised policy. The proposed amendments are:-
- a. The new vehicle entry level requirements are amended permanently to four years, with a maximum mileage restriction of 60,000 and implement an exit age of eight years for private hire vehicles.
 - b. That Hackney Carriage Vehicle proprietors be required to offer alternative payment options to their customers including card machine payments.
- 2.2 The consultation took place between 25th September and 12th November 2023 and the summary of the responses are included in the taxi policy consultation-card payment & vehicle age document attached as Appendix 1.
- 2.3 There were 97 responses from the trade and overall the response from the consultation is positive with 81% of respondents in favour of the change to vehicle ages and 76% of the respondents in favour of offering alternative payment methods, including card machines. The full details of the consultation and the trades comments can be seen in the document attached as Appendix 1.
- 2.4 Should Members approve the revisions to policy, it's proposed that the vehicle age amendment will be immediate but the mandatory requirement for the implementation of the new payment facility is 15 February 2024. This gives the trade a period of 6 weeks to secure the necessary equipment. The amendments to policy are shown as track changes at pages 1, 6, 19, 23, 36, 46, 49, 51 and 66, also the date of the last Unmet Demand survey has been amended at pages 17 & 21.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - To agree the draft Hackney Carriage and Private Hire Licensing Policy 2023-2028, including **both** of the proposed amendments as outlined in point 2.1 of the report.

As part of this option, it's recommended that the amendment concerning vehicle age be implemented immediately, with the requirement to offer alternative payment options, including card machine payments, be implemented from 15 February 2023.

- 3.2 Option 2 - To amend the draft Hackney Carriage and Private Hire Licensing Policy 2023-2028, to contain either of the proposed amendments (rather than both) as outlined in point 2.1 of the report.

- 3.3 Option 3 – That no changes be made, and the Council continue to rely on the current Hackney Carriage and Private Hire Licensing Policy. This is not recommended.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is that Members agree to the revised policy at Appendix 2. It will remain valid for a period of five years, in accordance with statutory standards unless it becomes necessary to make further revisions beforehand following changes to legislation or local circumstances.
- 3.2 The proposed policy aims to improve on the current policy while striking a balance between the interests of the trade, the public and the Licensing Authority.
- 3.3 Should Members approve the revised policy, the amendment for vehicle age & mileage is immediate and it's also proposed that the mandatory requirement for the implementation of the new payment facility is 15 February 2024.
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4. RISK

- 4.1 An adopted policy ensures a transparent and consistent approach to licensing that reduces the opportunity for legal challenge. Whilst there is always a right of appeal through the Courts to a decision of the local authority in respect of their licensing function, challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there is no justifiable reason to depart from it.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 See Appendix 1 – Taxi Policy Consultation – Card Payments & Vehicle Age.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The revised Policy will be made available on the website.
- 6.2 The trade will be notified of the amendment to the policy.
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7. REPORT APPENDICES

- Appendix 1 - Taxi Policy Consultation- Card Payments & Vehicle Age
 - Appendix 2 - Draft Hackney Carriage and Private Hire Licensing Policy
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8. BACKGROUND PAPERS

- 14 September 2023 Reports; Age Policy – Vehicles and Mandate Card payment machines in Hackney vehicles.